

IT IS SO ORDERED.

Dated: November 16, 2015
11:03:36 AM


Kay Woods
Kay Woods
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:
William B. Enos) Case No. 13-42585
Cynthia M. Enos,)
Debtors.) Chapter 13
)
) Judge Kay Woods

3457 Austinburg Road, Ashtabula, Ohio
44004

**AGREED ORDER REGARDING MOTION FOR RELIEF FROM AUTOMATIC
STAY**

This matter came before the Court upon a Motion for Relief from the Automatic Stay filed by Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for VM Trust Series 3, a Delaware statutory trust (Docket Entry #42) relating to 3457 Austinburg Road, Ashtabula, Ohio 44004 and the response filed by the Debtors.

The Court finds that the parties have agreed that the Debtor owes total post-petition mortgage payment arrearages in the amount of \$5,841.43 through and including the October 1, 2015 payment (Five payments of \$1,173.83, less a partial payment of \$27.72). The parties have further agreed that the Debtor shall rectify this matter as set forth herein and shall continue to make full and timely mortgage payments beginning with November 1, 2015. Upon agreement of the parties, through counsel, it is hereby

ORDERED that, in addition to Debtors' ongoing regular monthly mortgage payment, Debtors shall pay the post-petition arrearage of \$5,841.43 through the plan. Movant shall file a supplemental proof of claim to reflect the additional arrearage of \$5,841.43. If Movant determines that Debtors have made additional post-petition payments, Movant shall file a supplemental proof of claim in a lower amount to reflect such payments. The supplemental proof of claim shall be filed within thirty (30) days of the entry of this agreed order.

IT IS FURTHER ORDERED, that in the event that the Debtors should fail to make any full and timely mortgage payment beginning with November 1, 2015, forward, then Movant may notify the Debtor by first-class mail and counsel of Debtor by facsimile of such default and the Debtor shall have a period of ten (10) days from the date of the notice to fully cure the default. In the event that the Debtor does not fully cure the default within said ten (10) day period, then Movant may file herein an Affidavit specifying the default and failure to cure, and tender concurrently an Order granting relief from the automatic stay of 11 U.S.C. §362 which shall be entered with no further notice or hearing required. To be timely, a monthly payment must be

made by the first day of the month, but subject to the fifteen (15) day grace period provided in the Promissory Note.

IT IS SO ORDERED.

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Approved:	
/s/ Kenneth M. Richards Kenneth M. Richards (0040455) Case Attorney For Movant Luper Neidenthal & Logan LPA 50 West Broad Street, Suite 1200 Columbus, Ohio 43215-3374 (614) 221-7663; Fax (866) 345-4948 krichards@lnlattorneys.com	/s/ Michael A. Gallo Michael A. Gallo Chapter 13 Trustee 5048 Belmont Avenue Youngstown, OH 44505 330 743-1246

/s/ Antoinette E. Freeburg

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United States Trustee
(Electronic Service only)